

REMARKS

Upon entry of this amendment, claims 21-38 are canceled and new claims 39-62 are added.

Claims 21-38 stand rejected under 35 USC §103(a) as being unpatentable over 3GPP TS 23.140 V5.3.0 (XP-002225281) (hereafter "3GPP") in view of USPN 6,282,274 to Jain.

Since claims 21-38 have been canceled this rejection is moot. Applicant will address this rejection as it relates to claims 39-62.

New Claims 39-62

Independent claim 39 is allowable over the cited prior art since, the prior art in combination or alone fails to disclose or render obvious a method for transmission of messages, including transmitting a message from a first message service provider to a second message service provider, and evaluating the message at the second message service provider. Wherein the message contains at least a first header field which features a reference to at least one network element of the first message service provider which was involved in processing the message.

Specifically, the cited art, alone or in combination, fails to teach or suggest the claimed method wherein a message contains at least a first header field which includes a reference to at least one network element of the first message service provider which was involved in processing the message.

Regarding 3GPP, the Examiner recognizes that this reference does not disclose or suggest this element. For this element the Examiner relies on Jain.

Jain discloses selectable billing options that enable a telecommunications service subscriber to designate billing options for outgoing and incoming calls. In Col 6, lines 45 through col. 7, lines 12, Jain teaches modifying an originating switch to look at bits in a header for a billing preference designator. The presence of such a designator instructs the switch to query the subscriber's user profile to obtain service account information.

Applicant submits that Jain does not disclose or teach a reference to at least one network element of the first message service provider as recited in claim 39. The designator in Jain is not a reference to at least one network element, but is rather a billing preference designator that instructs the switch to query the subscriber's user profile to obtain service account information. As a further example that Jain is not a reference to at least one network element, dependent claim

43 recites that the reference features the specification of a return path. This is clearly not disclosed or suggested in the cited prior art. The Examiner points to several overbroad statements in Jain stating that Jain can be used for other allocation of network uses, but there is no teaching or suggestion that such allocation can be that the reference features the specification of a return path.

Furthermore, 3GPP and Jain lack additional subject matter recited in the dependent claims. For example, the cited prior art does not disclose or render obvious that the transmitted message is evaluated after arrival at the second message service provider from a switching node, that the functionality of the message is evident from at least one header field or that the switching node determines, as a function of a header field, to which network element in the second message service provider the message will be relayed.

Therefore, Applicant submits that independent claim 39 and its dependent claims are allowable over the cited prior art.

Independent claim 49 and its dependent claims are allowable for similar reasons.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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